

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2560

IN THE MATTER OF:

Application of DONALD C. LOCKLEY)	Served May 29, 1984
for a Certificate to Conduct)	
Special Operations--Lorton, Va.)	Case No. AP-84-26

By application filed May 24, 1984, Donald C. Lockley, a sole proprietor, seeks a certificate of public convenience and necessity to transport passengers, in special operations, from the intersection of 10th Street & Pennsylvania Avenue, N.W., Washington, D.C. to Lorton Reformatory, Fairfax County, Va., and return.

Mr. Lockley proposes to provide this service in a 1975 van, departing Washington at 6:30 p.m., and departing Lorton at 10:00 p.m. The days on which such service would be provided are not specified, but the application indicates that service would be provided four nights a week for ten months of the year.

Applicant proposes to charge a round-trip fare of \$4 per person, anticipating annual revenues of \$5,120 and annual expenses of \$5,710. The application states that:

The applicant is a handicapped individual who will provide the services mentioned to gain exercise, occupy his time and mind, and to provide a means of transportation to other handicapped individuals in a van especially equipped for the purpose. 1/

This application must be scheduled for public hearing pursuant to the Compact, Title II, Article XII, Section 4(b), which provides, in pertinent part:

When an application is made under this section for a certificate, . . . the Commission shall issue a certificate to any qualified applicant therefor, authorizing the whole or any part of the transportation covered by the application, if it finds, after hearing held upon reasonable notice, that the applicant is fit, willing and able to perform such

1/ It is noted for clarity that the application is not restricted to handicapped individuals, but the van is said to be "equipped with a handicapped person lifter".

transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise such application shall be denied.

Discussions in previous orders are noted 2/ concerning the fact that Metro, pursuant to contract with the District of Columbia, operates service from Washington, D.C., to Lorton, Va., and return. The District of Columbia has formally protested the three below-noted applications to provide service to Lorton, and this order will be served on the appropriate City officials. Should the District of Columbia choose to protest this application, we again ask that it be prepared to present relevant data through a witness familiar with the operation. The applicant is reminded that he bears the evidentiary burden of meeting the above-quoted Compact criteria.

Applicant will be assessed a sum preliminarily estimated to cover the cost of the hearing and will be required to publish notice of this application.

THEREFORE IT IS ORDERED:

1. That the public hearing in Case No. AP-84-26 of Donald C. Lockley, is hereby scheduled to commence Thursday, June 28, 1984, at 9:30 a.m. in the Hearing Room of the Commission, Room 314, 1625 I Street, N.W., Washington, D.C. 20006.

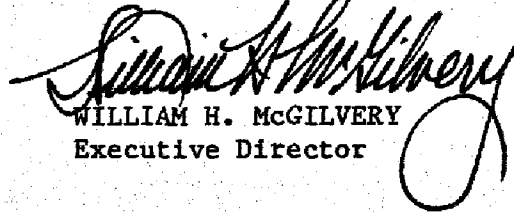
2. That applicant publish once in a newspaper of general circulation in the Metropolitan District notice of this application and hearing, in the form prescribed by the staff of the Commission, no later than Friday, June 8, 1984, and present at the hearing an affidavit of publication from the selected newspaper.

3. That any person desiring to protest this application shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard on this matter shall so notify the Commission, in writing, no later than Monday, June 18, 1984, and shall simultaneously serve a copy of such protest or notice on counsel for applicant, Ronald Gilchrist, Esq., 1226 - 11th Street, N.W., Washington, D.C. 20001.

2/ See Order No. 2540, served March 23, 1984, in Case Nos. AP-84-08 and AP-84-09, and Order No. 2551, served May 1, 1984, in Case No. AP-84-16.

4. That applicant is hereby assessed \$500 pursuant to Title II, Article XII, Section 19 of the Compact, and is directed to deliver said amount to the office of the Commission no later than Tuesday, June 19, 1984.

FOR THE COMMISSION


WILLIAM H. MCGILVERY
Executive Director

